

SUPREME JUDICIAL COURT
BOSTON, MASSACHUSETTS 02108

MEMORANDUM

Date: February 5, 2009

TO: Clerk Susan Mellen
Clerk Maura Doyle

FROM: Christine Burak

IN RE: Poverty Guidelines for Affidavits of Indigency (G. L. c. 261, § 27A): Applicable under S.J.C. Rule 3:10

Pursuant to G. L. c. 261, § 27B, the Chief Justice of the Supreme Judicial Court prescribes the "affidavit of indigency" form that is used in determinations regarding court costs of indigent persons. As you know, the form follows the language of G. L. c. 261, § 27A providing three different definitions of the word "indigent." The second definition is "a person whose income, after taxes, is one hundred and twenty-five per cent or less of the current poverty threshold annually established by the Community Services Administration""

Enclosed are the new Federal Poverty Guidelines, as they appear in the Federal Register of January 23, 2009, Volume 74, Number 14, at pages 4199-4200. The figures in the table applicable to states and the District of Columbia have to be multiplied by 125% to determine the indigency level under G. L. c. 261, § 27A. By multiplying each figure in the Federal Register table by 125%, one gets the following guidelines for G. L. c. 261, § 27A:

* Section 27A has not been updated to state that the poverty guidelines are now issued by the Department of Health and Human Services.

Affidavit of Indigency - 2009125% of Current Poverty Threshold - applicable under G. L. c. 261, § 27A.

Size of Family Unit	125% of Poverty Threshold
1	\$13,537.50
2	\$18,212.50
3	\$22,887.50
4	\$27,562.50
5	\$32,237.50
6	\$36,912.50
7	\$41,587.50
8	\$46,262.50

For family units with more than 8 members add \$4,675 for each additional member.

Please inform persons in your office, as soon as possible, of the existence of these standards which are to be used with the affidavit of indigency until new standards are published next year. Also, please note that pursuant to S.J.C. Rule 3:10, § 1(f)(ii), as amended effective October 1, 1993, this poverty standard applies to appointment of counsel for indigents.

Please note that the Guidelines are also available on the Supreme Judicial Court's website at www.mass.gov/courts

CB:pg

cc: Chief Justice. Marshall